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CAP:gh
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Encls: Application, Claims, 8 Sheets Drawings, Figs 1-6b
Declaration, Affidavit, Check, and Postcard

AFFIDAVIT

I, David J. Dolezilek, being sworn, hereby state as follows:

1. From 1988 to 1992 I was an employee of Tetragenics Company, at its location in Butte, Montana (Tetragenics).

2. At Tetragenics, my duties included project management and system design.

3. During my employment at Tetragenics, I became very familiar with a "protocol translator" remote terminal unit (RTU) product manufactured by Tetragenics, referred to hereinafter as the Tetragenics RTU. The Tetragenics RTU is an electronic communication device, which permits a plurality of intelligent electronic devices (IEDs), with different communication protocols to communicate, by translation to a common protocol and subsequent retransmission, to a master device or with each other. The Tetragenics RTU includes a plurality of port positions (up to 8) to which the IEDs may be connected. The Tetragenics RTU included at least one port position to which a device could be connected for entry of control commands, and at least one port position through which data obtained from the port-connected IEDs could be transmitted to other IEDs connected to other ports.

4. According to my personal knowledge, the Tetragenics RTU was available to the public and sold more than one year prior to the filing date (April 7, 1995) of U.S. Patent No. 5,680,324. I do not have any printed information which was available to the public prior to April 7, 1995 concerning the Tetragenics RTU .

5. The Tetragenics RTU in a broad sense included receiver/transmitter circuitry, which enabled communication of data between an electronic device connected to a port position of the Tetragenics RTU device and other portions thereof. The Tetragenics RTU was configured at the factory to communicate with specific IEDs, which were to be connected to specific ports of the device. However, the operational parameters for each port were configured for only one preselected IED per port and (there was no capability within the Tetragenics RTU device itself for reconfiguring the ports to



communicate with [redacted] rent IEDs.)

6. The Tetragenics RTU included the capability of storing and retrieving data obtained from the IEDs connected to its ports, as well as the capability of storing control commands entered by a user.

7. In the very broadest sense, the Tetragenics RTU could be interpreted to have a data processing capability, since it does have the capability of parsing data obtained from the IEDs connected to its ports.

8. Lastly, the Tetragenics RTU included a software program for controlling the flow of data and control commands within the apparatus.


9. Accordingly, the Tetragenics RTU, when interpreted in its very broadest sense, relative to the very broadest possible interpretation of the elements of claim 1 of the '324 patent, could be said to show each of the elements of that claim.


David J. Dolezilek

1/15/2001
Date

State of Washington)
County of Whitman) ss.

On this 15 day of January, 2001, personally appeared before me Mr. David Dolezilek, to me known to be the individual named above who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.


Notary Public in and for the
State of Washington,
Residing at Pullman, WA
My Commission expires 7/13/02